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PATENT  
09/074,496

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James R. Albritton  
Serial No.: 09/074,496  
Filing Date: May 7, 1998  
Group Art Unit: 3629  
Examiner: Cottingham, John R.  
Confirmation No. 2329  
Notice of Allowance Mailed: February 22, 2002  
Title: BREAKAWAY SUPPORT POST FOR HIGHWAY  
GUARDRAIL END TREATMENTS

FAX RECEIVED

MAR 14 2002

GROUP 3600

GERALD GOLDBERG  
TECHNOLOGY CENTER DIRECTOR  
GROUP 3629  
FACSIMILE (703) 305-3597  
Honorable Assistant Commissioner  
of Patents  
Washington, D.C. 20231

I hereby certify that Petition to Withdraw is being  
faxed to Gerald Goldberg, Technology Center  
Director, Group Art 3629 at the Assistant  
Commissioner of Patents, Washington, D.C. 20231  
by facsimile number (703) 305-3597, on the date  
shown below

*Corina Harrison*  
Corina Harrison  
3/14/02  
Date

Dear Sir:

**PETITION TO WITHDRAW FROM ISSUE**  
**PURSUANT TO 37 C.F.R. §1.313(a)**

Applicant hereby petitions for the withdrawal of this application from issue in order that an Interference can be declared between the above-referenced application and United States Patent 5,988,598 issued to Sicking et al. on November 23, 1999 that Interference was originally requested in the Amendment and Request for Declaration of Interference filed June 9, 2000 (copy attached).

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### NOTICE OF ALLOWANCE

The Notice of Allowance for this case was mailed on February 22, 2002. Applicant has not paid the Issue Fee due by May 22, 2002.

### REASONS FOR WITHDRAWAL REQUEST

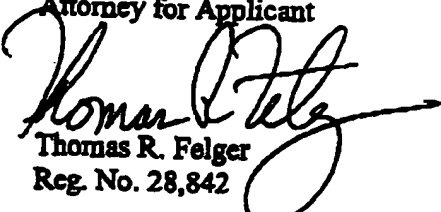
In a telephone conference with Examiner Cottingham on March 13, 2002, Applicant's Attorney requested a status regarding the Amendment and Request for Declaration of Interference under 37 C.F.R. §1.607 filed June 9, 2000. Examiner Cottingham acknowledged that he was recently assigned the patent application and was unaware of the pending Request Declaration for Interference prior to the mailing of the Notice of Allowance on February 22, 2002. Thus for expedited handling by the United States Patent Office, Examiner Cottingham requested that Applicant file a Petition to Withdraw from Issue. Therefore pursuant to 37 C.F.R. §1.313(a) and MPEP §1308, Applicant respectfully requests withdrawal of this application from issue to allow the Examiner Cottingham to consider the pending Request for Declaration for Interference.

### PETITION FEES

The Commissioner is hereby authorized to charge the Petition fee pursuant to 37 C.F.R. 1.17(a) in the amount of \$130.00 and any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS LLP.

Respectfully submitted,

BAKER BOTTS, L.L.P.  
Attorney for Applicant

  
Thomas R. Felger  
Reg. No. 28,842

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Date: \_\_\_\_\_

14 MAR 2002